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Remarks

Claims 1-3, 5-7, 9, 11-13, 15-17, 20, 21, and 23-25, of which Claims 1, 11, and 20 are independent, have been rejected under 35 U.S.C. §102 as being anticipated by Liu et al., USPP 2002/0071198, while independent Claim 28 has been rejected under 35 U.S.C. §102 as being anticipated by Asano et al., USPP 2003/0147167.

Dependent Claims 4, 14, and 22 have been rejected under 35 U.S.C. §103 as being unpatentable over Liu et al. in view of Payne et al., USPN 6,212,047, dependent Claims 8, 18, and 26 have been rejected under 35 U.S.C. §103 as being unpatentable over Liu et al. in view of Wei Loon et al., USPP 2002/0059276, and dependent Claims 10, 19, and 27 have been rejected under 35 U.S.C. §103 as being unpatentable over Liu et al. in view of Tomita et al., USPN 6,449,607.

The fact that Applicant has focussed its comments distinguishing the present claims from the applied references and countering certain rejections must not be construed as acquiescence in other portions of rejections not specifically addressed.

In keeping with the intent of the recitations and in accordance with what the specification has taught all along, Claim 1 now clarifies that the controller causes no band to contain more than a single data file or a single audio video (AV) data stream, removing the explanation on page 12 of the Office Action as to why the claims continue to be rejected based on the allegation that Liu et al. writes no more than a single data file or a single audio video (AV) data stream to a band despite the fact that Liu et al. strongly suggests just the opposite, plainly and unambiguously stating that "writes to such tracks *must fill the entire block*", fourth line of paragraph 68. If an entire block must be filled in Liu then perforce it requires a block containing the end

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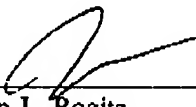
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portion of a stream that is less than a block in length (of which the probability is near unity) to also contain a part of another stream.

Likewise, independent Claim 11 is patentable because it now recites that no band on the disk contains more than one data file or one AV data stream, while in keeping with the disclosure on page 8 of the present specification, independent Claim 20 now recites that if a last allocated band for a file or stream is only partially full when the file or stream has been completely written to the storage means, then remaining storage space in the band is not used. As explained above, Liu et al. explicitly teaches away from this feature.

Respectfully submitted,



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